

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 KEVIN DOYLE, :  
                   Counterclaim Plaintiff, : 21-CV-8528 (LTS) (OTW)  
                   : -against- : **ORDER**  
                   : CHRISTOPHER GENTILE and JUAN A. :  
                   : CRAWFORD, :  
                   : Counterclaim Defendants. :  
 -----x

**ONA T. WANG, United States Magistrate Judge:**

The Court is in receipt of ECF Nos. 138 and 139.

Counterclaim Plaintiff's request to modify the Court's December 20, 2024, Order (ECF 135), is **GRANTED**. The parties are not permitted to contact the proposed third party witnesses for the purposes of conducting or scheduling or discussing third party discovery in this case.

To the extent that Counterclaim Defendants' opposition filed at ECF 139 also seeks to serve as a motion to dismiss, the Court notes that a motion to dismiss was not provided for in the parties' case management plan. (ECF 90).<sup>1</sup> In the alternative, if Counterclaim Defendants' filing at ECF 139 was intended to serve as the Counterclaim Defendants' motion for summary judgment, the Court notes that discovery is not yet complete and thus a motion for summary judgment is premature.

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<sup>1</sup> "Counterclaim Defendants Mr. Gentile and Mr. Crawford may file a motion for summary judgment at the close of discovery. Counterclaim Plaintiff Doyle may also file a motion for summary judgment at the close of discovery." (ECF 90 , at 5-6).

Counterclaim Defendants are encouraged to contact the Pro Se Intake Unit at 212-805-0175 for additional assistance with this case.

**SO ORDERED.**

Dated: January 7, 2025  
New York, New York

*s/ Ona T. Wang*  
**Ona T. Wang**  
United States Magistrate Judge